(4) (2)

CF

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) NO 6955 /2006

PETITIONER :

Payal Travels
Through - Managing Partner
Swarup Chand Jain,
S/o Ghisu Lal Chand Jain,
Aged about - 55 years, Sadar Bazar,
Durg, Distt. - Durg (C.G.)

P.R. No. 2049/06
Presented by Shri S K Verma
dated 5/12/06

VERSUS

RESPONDENTS :

1. **Regional Transport Authority**
   D.K.S. Bhawan, Raipur (C.G.)
2. **Secretary**
   Regional Transport Authority
   Jagdalpur (C.G.)
3. **Kanker Roadways**
   Through - Managing Partner
   Preetam Singh Garcha
   Civil Line, Raipur (C.G.)

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Petitioner is not joining other respondent as he is not claiming any relief from them.

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

(26)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C).No. 6955 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	2/1/2007 Heard Shri Ajay Shrivastava, counsel for the petitioner and Shri Sanjay S. Agrawal, G.A. for respondents No.1 and 2. By this writ petition, the petitioner has questioned legality, propriety and correctness of the order dated 9-11-2006 passed by the S.T.A.T., Raipur in appeal No.31/2006 whereby learned appellate authority allowing the appeal of respondent No.3 directed that temporary permit be granted to respondent No.3 herein. At the outset, Shri Agrawal argued that the period for which temporary permit was granted has already expired on 31st December 2006, therefore, this petition has become infructuous. On the other hand, Shri Shrivastava argued that even though term of the temporary permit has been expired but R.T.A. and S.T.A. are passing orders contrary to the judgment of this Court in the matter of **M.P. State Road Transport Corporation V. State of Chhattisgarh & others** reported in **2003 (2) M.P.H.T. 42 (CG)** in which it has been held that temporary permit can be granted only on satisfying conditions and circumstances mentioned in Clause (a) to (d) of Section 87 which has not been disputed by learned counsel for respondents No.1 and 2. The argument advanced by learned counsel for the petitioner has force, therefore, it is directed that in future, R.T.A. and S.T.A.T. to pass orders for grant of temporary permit only on satisfying specific and particular circumstances mentioned in Clause (a) to (d) of Section 87. The writ petition is disposed of accordingly. M.(W.)P. No.4962/2006 also stands disposed of. **Sd/-** **Acting Chief Justice**	

Barve

P.T.O.